

Amendment
Serial No. 10/781,006

Docket 5000-1-506

REMARKS

Reconsideration of all grounds of objection and rejection in the Office Action, and allowance of all of the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 1-3 and 5-18 remain pending herein.

At the outset, Applicant notes with appreciation the indication in the Office Action that claims 16-17 recite allowable subject matter. These claims have been rewritten so that claim 16 is now in an independent form including all the recitations of its base and intervening claims. Thus claims 16 and 17 are in condition for allowance.

Claims 1, 4, 9-13 and 18 stand rejected under 35 USC § 103(a) as being unpatentable over Yamamoto *et al.* (US 5,930,015) in view of Lee *et al.* (U.S. Patent Publication 2001/0004290 A1, hereinafter "Lee"), with further reference to Ramaswami *et al.*, (*Optical Networks: A Practical Perspective*, 2nd Edition), hereinafter "Ramaswami"). Claims 2-3 stand rejected under 35 U.S.C. § 103(a) over Yamamoto in view of Lee as applied to the claims above, and further in view of Jung *et al.* (*Spectrum-sliced bidirectional WDM PON*), Korea Advanced Institute of Science and Technology, hereinafter "Jung"). Claims 5-8 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Yamamoto in view of Lee and Jung, and further in view of Iannone *et al.* (U.S. 6,147,784) ("Iannone"). Claims 14-15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yamamoto in view of Lee and Jung as applied to the claims above, and further in view of Ramaswami. Applicant respectfully traverses these grounds of rejection for the reasons indicated herein below.

Applicant respectfully submits that claim 4 has been previously canceled without prejudice or disclaimer, rendering the rejection of said claim moot.

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With regard to the combination of Yamamoto, Lee and Ramaswami, Applicant respectfully suggests that the combination fails to disclose or suggest claims 1, 9-13 or 18, as the combination of references teach away from the claimed invention, thereby failing to render the claimed invention obvious to a person of ordinary skill in the art at the time of invention in view of the combined teachings of the references.

Applicant respectfully submits that with respect to the combination of Yamamoto, Lee, and Ramaswami, Lee discloses at page 3, paragraph [0074] that:

"[I]n the passive optical network described above, the broadband incoherent light transmitted from the central office to the remote node may be reflected to the central office due to the Rayleigh back-scattering of the optical fiber. **The reflected light can degrade the quality of the signal**" (emphasis added in boldface).

Thus, for at least the above reasons, Applicant respectfully submits that a person of ordinary skill in the art would not have found claim 1 obvious in view of the combination of references as there is at least no suggestion provided by the teaching of the references regarding a plurality of subscriber terminals for transmitting an upward signal using a reflected signal of a multi-wavelength signal transmitted from the central office.

It was admitted in the Office Action that Yamamoto does not disclose a central office in which a multi-wavelength lasing source is located, said multi-wavelength lasing source having a multiplexing/demultiplexing unit and a plurality of reflectors coupled to the multiplexing/demultiplexing unit. However, Lee was cited (Fig. 3 in particular) to

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show in combination with Yamamoto, a multi-channel WDM light source with reflectors, wherein it is stated in the Office Action "notice the (D)MUX and FP-LDs, FP-LDs comprise reflectors."

Applicant respectfully submits that the combination of references fails to disclose or suggest the claimed invention, as Lee discloses at paragraph [0064] that the light is received and sliced by the multiplexer, and that upstream signals generated from the ONUs have different wavelengths. Thus, the combination of references fails to disclose or suggest at least a plurality of subscriber terminals for transmitting an upward signal using a reflected signal of a multi-wavelength signal transmitted from the central office.

With regard to the rejections under 35 U.S.C. §103(a), Applicant respectfully submits that in accordance with MPEP 2143, with regard to the rejections of claims under 35 U.S.C. §103(a), the United States Court of Appeals for the Federal Circuit required a showing of an un rebutted prima facie case of obviousness (*In re Rouffet*, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998) (citing *In re Deuel*, 51 F.3d 1552, 1557, 34 USPQ2d 1210, 1214 (Fed. Cir. 1995))). According to United States Court of Customs and Patent Appeals, the predecessor to the Federal Circuit, the *prima facie* case can be established only if the prior art references, among others, teach or suggest all features in the claims (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1970); see also MPEP 2143.03), or if the claim or claims recite features as combined in the claims that would have been within the ordinary skill in the art (*KSR International Co. v. Teleflex Inc. et al.*, No. 04-1350, U.S. Supreme Court, decided April 30, 2007).

For at least for the foregoing reasons, reconsideration and withdrawal of this ground of rejection of claim 1 is respectfully requested. In addition, claims 9-13 and 18

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are also patentable in view of the combination of Yamamoto, Lee and Ramaswami, at least for their dependency from claim 1, which is believed to be patentable, and because of a separate basis for patentability. Accordingly, individual consideration of each claim on its own merits is respectfully requested.

With regard to the other rejections of all the other claims under 35 U.S.C. §103(a), Applicant respectfully submits that as claim 1 is not obvious in view of any combination of Yamamoto, Lee, Jung, Iannone, Ramaswami, all of the above claims are believed patentable at least for their dependence from claim 1, and because of a separate basis for patentability. Reconsideration and withdrawal of all grounds of rejection under 35 U.S.C. §103 (a) are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all grounds of rejection in the Office Action are overcome. A Notice of Allowance is respectfully requested.

Should the Examiner deem that there are any issues, which may be best, resolved by telephone communication, please contact Applicant's undersigned Attorney at the number listed below.

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In the event that any additional fee is required to continue the prosecution of this
Application as requested, please charge such fee to Deposit Account No. 502-470.

Respectfully submitted,

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Date: November 21, 2007


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